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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,292	04/12/2005	Jacques Bouillon	REGIM 3.3-027	1851
530	7590	09/03/2008	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			KOZIOL, STEPHEN R	
		ART UNIT		PAPER NUMBER
		2624		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,292	BOUILLOU, JACQUES	
	Examiner	Art Unit	
	STEPHEN R. KOZIOL	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04/15/2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 17-36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/12/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-20, 22-29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sehr, U.S. Patent No. 6,085,976 (“Sehr”) (cited by Applicant).

Regarding claim 17, Sehr teaches a method of access control to a secure area (Sehr, Figure 1) comprising:

- obtaining a first biometric reading at a first station from a person seeking access to the secure area (Sehr, *column 6 lines 52-61, as shown in Figure 1 item 13 where Sehr’s biometrics box (the first biometric sensor) captures and digitizes biometric information (the first biometric data) for a user*);
- recording said first biometric reading on a card as biometric data (Sehr, *column 6 lines 52-61, where after first biometric data is captured and digitized, Sehr transfers the first biometric data to the biometric data card*);
- providing a means for reading the biometric data on said card at a second station located at the secure area (Sehr *column 13 lines 4-38 as shown in Figure 2 items 111.2 and 112.2 where, e.g. item 112.2 reads the first biometric data on the biometric data card prior to the user of the card gaining access to a secured area*);

- obtaining a second biometric reading from the person (Sehr *column 13 lines 4-38, where in addition to presenting the biometric card, Sehr requires the user to provide a second biometric sample on a second biometric sensor, to be compared to the first biometric sample collected by the first biometric sensor stored on the biometric data card*); and
- comparing the biometric data on the card with the second biometric reading to ensure that the person giving the second biometric reading is the same person giving the first biometric reading. (Sehr *column 13 lines 4-38, where after the second biometric data is obtained by the second biometric sensor, said second data is compared to the fist biometric data stored on the biometric data. The result of this comparison is used to determine whether or not the user is permitted to access the secured area.*)

Regarding claim 18, Sehr teaches the method according to claim 17, wherein the card having biometric data is returned to the person after obtaining the first biometric reading (Sehr, *column 6 lines 52-61*).

Regarding claim 19, Sehr teaches the method according to claim 17, wherein the card having biometric data is retained by a security personnel (Sehr, *column 23 lines 6-20*).

Regarding claim 20, Sehr teaches the method according to claim 17, wherein a non-graphic method is used to compare the second biometric reading with the biometric data recorded on the card (Sehr *column 13 lines 4-38*).

Regarding claim 22, Sehr teaches the method according to claim 17, wherein an identity document is used to conduct an identity check on the person at the same time the biometric reading is obtained from the person (Sehr *column 11 lines 3-63*).

Regarding claim 23, Sehr teaches the method according to claim 17, further comprising using a computing means to compare said first and second biometric readings (Sehr *column 13 lines 4-38*).

Regarding claims 24-28, Sehr teaches the method according to claim 17, wherein the biometric data comprises at least one fingerprint of the person, the eye of the person, voice parameters of the person, geometric parameters of the face of the person, and geometric parameters of the person's hand (Sehr *column 6 lines 52-61*).

Regarding claim 29, Sehr teaches the method according to claim 17, wherein the card is a supple boarding pass (Sehr *column 4 lines 44-53*).

Regarding claim 31, Sehr teaches the method according to claim 17, wherein the card is comprised of a plastic material (Sehr *column 6 lines 16-21*).

Regarding claim 32, Sehr teaches the method according to claim 17, wherein the second station comprises a check-in desk provided with routing means of routing luggage to the secure area; automatic means for obtaining a second biometric reading from a person; and means for recording the second biometric reading on a card as comparison biometric data, so that the first biometric reading is conducted at the same time as the person's luggage is checked in (Sehr *column 11 lines 3-62*).

Regarding claim 33, Sehr teaches the method according to claim 17, wherein the second station includes an access gate to the secure area, a reading desk comprising a module for automatically reading biometric data written on the card of the person wishing to access the secure area, a biometric sensor, and means for automatically comparing the second biometric

reading recorded by the sensor on the person with biometric data written on the card (Sehr *column 13 lines 4-38*).

Regarding claim 34, Sehr teaches a module for an automatic access control to a transport vehicle (Sehr *column 3 lines 55-67*), comprising:

- reading means for automatically reading data recorded on an access card (Sehr *column 13 lines 4-38 as shown in Figure 2 items 111.2 and 112.2 where, e.g. item 112.2 reads the first biometric data on the biometric data card prior to the user of the card gaining access to a secured area*), the reading means reading biometric data recorded on the access card in the form of text (Sehr *introduces the used of text on column 6 lines 39-61*);
- a sensor for sampling biometric data on a person (Sehr *column 13 lines 4-38, where in addition to presenting the biometric card, Sehr requires the user to provide a second biometric sample on a second biometric sensor, to be compared to the first biometric sample collected by the first biometric sensor stored on the biometric data card*); and
- comparison means for automatically comparing biometric data on the card with data recorded by the sensor, the comparison means capable of indicating that data on the access card and data provided by the sensor belong to a same person. (Sehr *column 13 lines 4-38, where after the second biometric data is obtained by the second biometric sensor, said second data is compared to the fist biometric data stored on the biometric data. The result of this comparison is used to determine whether or not the user is permitted to access the secured area.*)

Regarding claim 35, Sehr teaches an access control assembly for permitting access to a secure area (Sehr, Figure 2), comprising:

- writing means for writing data onto a card controlling access to the secure area at a first site (*Sehr, column 6 lines 52-61, where after first biometric data is captured and digitized, Sehr transfers the first biometric data to the biometric data card*); and
- reading means for automatically reading the card at a second site (*Sehr column 13 lines 4-38 as shown in Figure 2 items 111.2 and 112.2 where, e.g. item 112.2 reads the first biometric data on the biometric data card prior to the user of the card gaining access to a secured area*);
- the writing means including a first sensor for sampling biometric data on a person (*Sehr, column 6 lines 52-61, where after first biometric data is captured and digitized, Sehr transfers the first biometric data to the biometric data card*); and
- the reading means including automatic means for reading biometric data written on the cards (*Sehr column 13 lines 4-38 as shown in Figure 2 items 111.2 and 112.2 where, e.g. item 112.2 reads the first biometric data on the biometric data card prior to the user of the card gaining access to a secured area*);
- a second sensor for sampling biometric data from a person (*Sehr column 13 lines 4-38, where in addition to presenting the biometric card, Sehr requires the user to provide a second biometric sample on a second biometric sensor, to be compared to the first biometric sample collected by the first biometric sensor stored on the biometric data card*); and
- comparison means for making an automatic comparison between the biometric data read on the card and the data read by the sensor, the comparison means capable of indicating if the data on the card and the data on the sensor belong to the same person. (*Sehr column*

13 lines 4-38, where after the second biometric data is obtained by the second biometric sensor, said second data is compared to the fist biometric data stored on the biometric data. The result of this comparison is used to determine whether or not the user is permitted to access the secured area.)

Regarding claim 36, Sehr teaches the assembly according to claim 35 wherein the writing means at the first site is at least a partially non-graphic method (Sehr, *column 13 lines 4-38*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in ***Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)***, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr, U.S. Patent No. 6,085,976 (“Sehr”) (cited by Applicant).

Regarding claim 21, Sehr teaches the method according to claim 17, but is presently interpreted as being silent on the method wherein the card comprises a magnetic strip and a memory means for recording the biometric data on the magnetic strip of the card. However, official notice is taken to note that the concept and benefits of a card comprising a magnetic strip and a memory means for recording the biometric data on the magnetic strip of the card is well

known and expected within the art and would have been obvious to incorporate into the authentication smart card of Sehr to achieve the benefit of storing authentication information on the magnetic strip.

Regarding claim 30, Sehr teaches the method according to claim 29, but is presently interpreted as being silent on the method wherein the card is comprised of a material that can be torn off by the person, so that the person may easily destroy the biometric data on the card. However, official notice is taken to note that the concept and benefits of a card comprised of a material that can be torn off by the person, so that the person may easily destroy the biometric data on the card is well known and expected within the art and would have been obvious to incorporate into the authentication smart card of Sehr to achieve the benefit of easily disposing of the biometric information in order to prevent unauthorized or fraudulent usage of said biometric information.

Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1844. The examiner can normally be reached on Monday - alt. Friday 9:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached at (571) 272-7413 . Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/29/2008
/s r k /

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624